

Vermont Agency of Natural Resources  
Department of Environmental Conservation  
Solid Waste Management Program  
National Life Drive – Davis 1  
Montpelier VT 05620-3704  
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**SOLID WASTE MANAGEMENT FACILITY DRAFT CERTIFICATION**

FACILITY NAME: Northwest Vermont Solid Waste  
Management District (NWSWD)  
Landfill

FACILITY OWNER/ OPERATOR (PERMITTEE): NWSWD  
158 Morse Drive  
Fairfax, Vermont 05454

LANDOWNER (PERMITTEE): NWSWD

PROJECT IDENTIFICATION NUMBER: EJ95-0017

SOLID WASTE FACILITY ID NUMBER: FR045

FACILITY LOCATION: New Road, off Shawville Road  
Sheldon, Vermont 05483

**FACILITY PURPOSE/DESCRIPTION:**

Continued conceptual design for the construction and operation of Cell 1 of a two-cell lined landfill and other non-disposal solid waste management components, including the collection and storage of used oil and tires. This certification also includes a contingency transfer station to be constructed and operated in the event of a temporary landfill shut down.

**APPLICATION REVIEW:**

The application for Certification was received by the Solid Waste Management Program (“Program”) on September 21, 2016. It was reviewed in accordance with the Waste Management Act 10 V.S.A. §§6601 et. seq. and the Solid Waste Management Rules, (eff. 3/15/12) (“Rules”). The Application is on file in the office of the Program in Montpelier, Vermont.

**CERTIFICATION PERIOD:** Date of issuance to September 30, 2026

### **FINDINGS**

- a. The site of the proposed facility is a 154-acre parcel currently owned by the Northwest Vermont Solid Waste Management District (hereafter, "NWSWD" or "Permittee"). The entire project consists of a two-cell lined landfill totaling 14 acres. Only Cell 1, consisting of 7 acres, may be constructed during this certification period. The proposed lined landfill and all contiguous lands and the structures, appurtenances, and land improvements thereupon related to the management of solid waste, are hereafter termed the "Facility", consistent with 10 V.S.A. § 6602(10).
- b. On November 7, 1997, the Agency issued a certification to the NWSWD that authorized the construction and operation of Cell 1. The Facility was certified most recently on October 22, 2011. The Facility has not been constructed or operated.
- c. On September 21, 2016, the Agency received an application for re-certification from NWSWD that requests the construction and operation of Cell 1.
- d. The Facility is located off the Powerhouse Access Road, which is off Shawville Road, in Sheldon, Vermont at 72°59' 10" West Longitude and 44°55' 08" North Latitude.
- e. On September 20, 2016, a copy of the complete application for re-certification was provided to the Towns of Sheldon and Highgate, in compliance with 10 V.S.A. § 6605(f).
- f. On September 29, 2016, the Agency determined that the Application was administratively complete and that the application was both timely and sufficient. Under the provisions of 3 V.S.A. § 814, the certification does not expire until the Agency makes a final determination on the application for re-certification.
- g. Pursuant to the requirements of §6-305(a)(2) of the Rules, the NWSWD implemented the Notice of Application Plan and published a notice of application in the *St. Albans Messenger* on December 12, 2016 and the *Burlington Free Press* on December 11, 2016.
- h. Pursuant to 10 V.S.A. §6605(c), the Secretary finds that the Facility is included in the NWSWD implementation plan. The plan includes specific references to this site. The NWSWD plan was approved by the Department on August 12, 2015, and as such is in conformance with the State Solid Waste Plan.
- i. The daily and annual amounts of solid waste accepted for disposal are estimated to be 125 tons per day and 20,000 tons per year respectively. The capacity of the first cell is 130,000 tons, and the life expectancy is estimated at 6.5 years based on projected rates of fill. Total landfill capacity is 320,000 tons.
- j. NWSWD submitted closure and post-closure plans for the Facility in accordance with Subchapter 10 of the Rules. The Closure and Post-Closure plans for the Facility are in conformance with the requirements of the Rules and applicable Solid Waste Management Procedures.

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- k. The NWSWD will maintain a restricted account for the financial obligations of closure and post-closure care and monitoring of the Facility as required under 10 V.S.A. §6611 and Subchapter 9 of the Rules. Equal payments into the fund will be made at least quarterly in an amount that accumulates no less than \$360,552 annually during the life of Cell 1. Adequate funds will be available in the account to ensure that upon abandonment, cessation, or interruption of the operation of the Facility, funds are available to undertake all closure and post-closure obligations.
- l. A detailed summary of the re-certification applications' conformance with the requirements of applicable Rules and Procedures is in the Fact Sheet.
- m. The proposed facility is located in an area that has been designated as Class III groundwater pursuant to 10 V.S.A. § 1394(b) and EPR Chapter 12 § 12-401(1). The permissible uses of groundwater in a Class III designated area are established in 10 V.S.A. § 1394(a) and general industrial and commercial uses are permissible uses of groundwater pursuant to that section. The proposed facility is classified as an industrial use and the Secretary finds the activity certified herein to be consistent with the groundwater classification.
- n. On November 16, 2016, the application was determined to be technically complete and that it conforms to the Rules and other applicable statutory and regulatory requirements.
- o. On December 11, 2016, the Permittee(s) provided notice of the draft certification pursuant to the requirements of Sections 6-305(b) and 6-304(h)(1) of the Rule. The comment period ended on December 7, 2016. No comments were received.
- p. On January 4, 2017, the application was determined to be technically incomplete based on requirements of notification which were incorrectly followed.
- q. On January 5, 2017, a Certificate of Service was received and the application was determined to be technically complete. On January 5, 2017, a second notice of the draft certification was provided. The comment period ended on January 27, 2017. No comments were received.

**CONDITIONS AND REQUIREMENTS FOR CONSTRUCTION AND OPERATION**

- 1. The Permittee shall construct, develop and operate the Facility in accordance with the terms of this Certification and with the applicable provisions of State law, including the Rules. Compliance with this certification does not relieve the Permittee from complying with all applicable local, State, and federal laws.
- 2. The following documents submitted as part of the application are hereby incorporated by reference in this certification.
  - NWSWD, Application for Lined Landfill Facility Re-certification, (Application)

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prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated September 2016.

- NWSWD, Facility Management Plan (FMP), Lined Landfill (including plans and appendices), prepared by Lamoureux, Stone & O'Leary Consulting Engineers, Inc., original submission dated July 1995, final submission dated June 1997.
- NWSWD - Sheldon Site - Geologic and Hydrogeologic Investigation, prepared by Wagner, Heindel, and Noyes, Inc., dated February 10, 1994.
- NWSWD - Bid Documents - Lined Landfill, prepared by Lamoureux, Stone & O'Leary Consulting Engineers, Inc. dated June 1997.
- NWSWD, Quality Assurance/Quality Control Plan - Lined Landfill, prepared by Lamoureux, Stone, & O'Leary, dated June 1995.
- NWSWD, Computer Modeling of Groundwater Flow and Solute Transport - Lined Landfill, prepared by Lamoureux, Stone, & O'Leary, dated March 1997.

Additions or alterations to these documents, including but not limited to construction change orders, must be approved by the Agency prior to implementation. Material or substantial additions or alterations which justify the application of conditions different or absent from the certification are cause for modification or amendment of this certification.

3. In the event that NWSWD begins the process of construction planning, prior to any construction, the Permittee shall apply for and obtain an amendment to this certification. The amendment application must address additional groundwater monitoring to inform design, construction, engineering and operational plans and provide data on background groundwater conditions prior to site development. As well as this hydrogeologic study, the Permittee will be required to revise design plans, engineering plans, as well as updates to the facility management plan, and any other supporting documents.
4. If at any time during the term of this certification the Secretary finds there is no approved solid waste implementation plan for the area in which this facility is located, or that the solid waste implementation plan for the area in which this facility is located no longer includes this Facility, this certification will be subject to revocation or suspension under §6-307 of the Rules.
5. The Permittee shall not dispose of any solid waste in the Facility until the registered professional engineer in charge submits a written certification to the Program that the Facility was constructed in accordance with the approved plans, specifications, approved change orders, and requirements of this Certification and the Rules.
6. Prior to disposal of solid waste in the facility, the Permittee shall establish horizontal and vertical benchmarks in accordance with §6-702(d)(3) of the Rules.
7. The Permittee shall install and maintain markers delineating the edge of the landfill liner.

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8. The Permittee shall maintain an approved financial capability pursuant to Subchapters 9 and 10 of the Rules; with § II(A) of the *Procedure Addressing Closure Cost Estimates for Solid Waste Landfills*; and, if applicable, with § II(C) of the *Procedure Addressing Post-Closure Care and Post-Closure Certification of Solid Waste Landfills*, both dated February 8, 1999.
9. No less than 15 days prior to disposal of solid waste in the Facility, the Permittee shall submit documentation to the Program that it has entered into a contract(s) for adequate removal and treatment of leachate. The Permittee shall then maintain a valid leachate treatment contract(s) throughout the term of this Certification. Disposal of leachate in Vermont shall take place only at a permitted waste water treatment facility and only after a Pretreatment Discharge Permit is obtained from the DEC Wastewater Management Division.
10. No less than one year prior to disposal of solid waste in the Facility, the Permittee shall install and operate a weather monitoring station within 3 miles of the facility. The weather station shall give live data as well as two weeks of history data. Data shall include wind speed and direction, temperature and precipitation at a minimum.
11. The Permittee shall implement the Response Action Plan detailed in the Facility Management Plan, Section XIII(I), Table B, if the average daily leachate flow in the secondary leachate collection system for the lined landfill exceeds 20 gallons per acre per day over a calendar month.
12. The Permittee(s) shall implement any or the entire approved contingency plan to ensure proper management of wastes or recyclable materials during planned and unplanned events when the facility is and is not in operation.
13. No less than 15 days prior to the disposal of solid waste in the Facility, the Permittee shall reevaluate and revise as necessary the annual payments to the closure and post-closure fund pursuant to §6-902(c) of the Rules. The Permittee shall submit to the Program updated documentation of financial capability, as required by §§6-902(b)(2)(A) and 6-902(b)(2)(B) of the Rules by this date, and biennially thereafter.
14. If operational, on or before July 1, 2019, 2021, 2023 and July 1, 2025, the Permittee shall review the approved closure and post-closure care plans and the closure and post-closure cost estimates and shall submit to the Program written documentation that provides the information required by § 6-1006(a)-(c) of the Rules, consisting of either:
  - a. a report that certifies that the closure and post-closure plans are consistent with current operations and regulations and either provides revised closure and post-closure cost estimates or indicates that there have been no changes to the closure and post-closure cost estimates; or
  - b. an application for modification or amendment of this Certification due to substantive changes to the closure or to the post-closure plan.

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15. If operational, on or before April 1, 2017 and annually thereafter, the Permittee shall adjust the closure and post-closure cost estimates for inflation in accordance with § II (A) of the *Procedure Addressing Closure Cost Estimates for Solid Waste Landfills* and with § II(C) of the *Procedure Addressing Post-Closure Care and Post-Closure Certification of Solid Waste Landfills*, both dated February 8, 1999.
16. The Permittee shall deposit a minimum of \$18.03 for each ton of waste received at the Facility into an account dedicated solely to the purpose of close and post-closure of the Facility. This amount shall be adjusted at least annually in accordance with § 6-902 to ensure that at the end of the certification period there are sufficient funds in the account to pay all closure and post-closure costs at the Facility. The revision of this amount shall be processed as a de minimus amendment to this permit. No funds may be withdrawn or transferred from this account without the prior written consent of the Secretary. Failure to comply with the terms of this condition will constitute “cause” for the revocation of this certification.
17. Once operational, the Permittee shall retain a registered engineer to perform an annual inspection of the Facility during the month of May each certification year. The engineer shall evaluate the actual landfill development and the daily operations with respect to the Facility Management Plan and the requirements of the Rules, this certification and applicable Solid Waste Management Procedures. The engineer shall develop any recommendations necessary for improving the management of the Facility. The engineer shall also inspect and evaluate the integrity of the final cover system for those portions of the Facility which have been previously closed. The Permittee shall notify the Program concerning any non-compliance with this certification or any emission or discharge noted by the engineer in accordance with §6-703 of the Rules. The Permittee shall submit a copy of the engineer’s written evaluation, recommendations for improving the management of the Facility and a schedule for implementation of the recommendations by June 30 each year under the term of this certification. The Permittee shall implement the recommendations approved by the Program.

#### **RE-CERTIFICATION**

18. On or before March 31, 2026, the Permittee shall apply for re-certification of the Facility, or submit a schedule for implementation of the closure plan.

#### **MATERIALS AND SITE MANAGEMENT, NON-DISPOSAL COMPONENT MANAGEMENT**

##### **Materials Management**

19. The facility is certified for a maximum allowable capacity of 125 tons of solid waste per day and 20,000 tons of solid waste per year for disposal. The yearly tonnage calculation will begin with the first full quarterly reporting period upon commencement of Facility operation and ends one year later.

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20. Any request to increase the annual operating capacity will require the Permittee to apply for an amendment to the certification pursuant to §6-305 of the Rules.
21. Acceptable wastes for disposal are limited to municipal solid waste, construction and demolition debris (C&D), de-watered sludge or bio-solids, approved uniform solid waste, and any other non-hazardous waste which is not prohibited by Conditions 22-24.
22. The disposal of any regulated hazardous waste is prohibited. Hazardous waste determinations are conducted pursuant to Subchapter 2 of Vermont's Hazardous Waste Management Regulations. It is the responsibility of the Permittee to ensure that all wastes disposed of are non-hazardous.
23. The facility shall ensure that all wastes prohibited for disposal pursuant to 10 V.S.A. § 6621a are not disposed of at the facility.
24. For the purposes of this certification the following definitions shall apply:
  - a. "Implemented Waste" means all solid waste that originates from a municipality which manages waste in accordance with a solid waste implementation plan approved by the Secretary;
  - b. "Non-Implemented Waste" means all solid waste that originates from a municipality that does not have a solid waste implementation plan approved by the Secretary;
  - c. "Approved Uniform Solid Waste" means solid waste that has been determined in writing by the Secretary to be uniform and does not contain yard waste, marketable recyclable materials, hazardous waste as defined by State and/ or Federal regulation; and
  - d. "Approved Processed Construction and Demolition Waste" is waste that meets the requirements of Condition 27.
25. The Permittee may accept the residual from processed construction and demolition waste with the prior written approval of the Secretary when the processing takes place in a municipality without an approved solid waste implementation plan. In making this request, the following information shall be provided: The location of the facility processing the construction and demolition waste; a copy of any solid waste facility permit that the processing facility holds; a narrative description of the processing that takes place at the facility, including specific information on how marketable recyclables, hazardous waste including waste from households and conditionally exempt generators, and yard wastes are removed; a certification that the process residual is solely construction and demolition waste and the process residual contains no municipal solid waste; and a certification that marketable recyclables, hazardous wastes, and yard wastes have been removed from the processing residual.
26. The Permittee shall not accept for disposal at the Facility "Non-Implemented Waste". The Permittee may accept "Approved Uniform Solid Waste" and "Approved Processed

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Construction and Demolition waste” only in accordance with the standards set forth in the Secretary’s written approval for that waste.

27. The Permittee shall post clearly visible and easily read signs at the facility, providing notice of the prohibition of the disposal and combustion of mercury-added products and provide customers information about collection programs and facilities that are permitted to accept mercury-added products.
28. The Permittee shall ensure that all solid waste disposed in the Facility complies with the liquid waste disposal criteria included in the Agency's *Procedure Addressing Liquid Waste Disposal Restrictions in Municipal Solid Waste Landfills*, dated December 15, 2010, (Liquid Waste Procedure).
29. If the facility becomes operational, the Permittee shall include procedures in a revised FMP on how the facility will conduct random inspections of incoming loads of solid waste. The plan shall indicate how tonnage wastes removed in the inspections are handled.

**Site Management**

30. The Permittee may accept solid waste between the hours of 8:00 am to 4:00 pm Monday through Friday, and between the hours of 8:00 am to 12:00 pm on Saturdays. All other routine landfill operations, such as inspections, maintenance, repairs, monitoring and application of daily cover will be conducted as necessary to comply with permits. The Facility’s operational hours for accepting solid waste and other routine landfill operations may be expanded without amendment to this Certification upon written approval from the Secretary upon a showing of need. Such a showing shall include special events such as Green-Up day, a natural disaster, or other unforeseen circumstances that are outside of the control of the Permittee.
31. The depth of leachate shall not exceed twelve (12) inches at any location on the primary liner, except following a 25-year/24 hour or greater storm event. Following such a storm event, leachate may be stored on the liner for a maximum of five (5) days. Leachate collection tanks shall be managed in accordance with Sections VIII of the FMP.
32. The Permittee shall comply with the run-on and run-off control system requirements included in the Agency's *Procedure Addressing Requirements for Run-On/Run-Off Control Systems for Municipal Solid Waste Landfills*, dated May 27, 1994.
33. The Permittee shall operate the landfill with personnel and equipment identified in the Sections III and VII of the FMP.
34. The Permittee shall cover all exposed waste at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires and odors, to prevent blowing litter and to discourage scavenging by animals, as outlined in Section III of the FMP. When earthen material is used, it shall be a minimum thickness of six (6) inches.



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Upon written request, the Secretary may grant the Permittee approval in writing for the use of an alternative daily cover material, in accordance with the Agency's *Procedure for Approval of Alternative Daily Cover at Solid Waste Facilities*, dated February 8, 1999.

35. Once operational, the Permittee shall inspect for and collect litter at and around the Facility daily. The Permittee shall collect litter along both sides of the access road.
36. Once operational, the Permittee shall require that all waste hauling vehicles leaving the Facility are properly cleaned to prevent off-site litter.
37. In the event any of the monitoring wells established as part of the approved water quality monitoring program are destroyed or rendered unusable, the Permittee shall replace those monitoring well(s) in accordance with the Agency's *Procedure Addressing Ground Water Quality Monitoring and Responses When a Ground Water Standard is Reached or Exceeded at Municipal Solid Waste Landfills*, dated February 8, 1999 (Ground Water Procedure).
38. In the event of an unplanned temporary shutdown of the Facility, the Permittee may construct and operate the contingency transfer station as described in Section XIII of the FMP.
39. The liner shall be installed in accordance with the Engineering Construction Specification as approved by the Agency.
40. The Permittee shall install, operate and maintain a landfill gas collection and control system that effectively captures the gas generated within the landfill and routes the gas to a control device that effectively destroys the nonmethane organic compounds (NMOCs) within the gas. The gas collection and control system will be expected to be generally designed and operated consistent with a system subject to 40 CFR Part 60 Subpart WWW *Standards of Performance for Municipal Solid Waste Landfills*. No later than 60 days before commencement of Facility construction, the landfill gas control system shall be approved by the Air Pollution Control Division.

### MONITORING REQUIREMENTS

41. The Permittee shall maintain records of all monitoring data required by Conditions 44 through 50 at the landfill office and make them available for State inspection.
42. The Permittee shall record leachate flow from the primary and secondary leachate collection systems to the leachate storage tanks during each working day. In addition, the Permittee shall record the quantity of leachate removed from the leachate storage tanks. For each load of leachate shipped, the Permittee shall record the quantity of leachate, the date shipped, and the identity of the wastewater treatment facility receiving the shipment.
43. Once operational, explosive gas monitoring shall be performed monthly for the detection of off-site migration of methane and weekly for the detection of methane in Facility

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structures and other buildings on the Facility site in accordance with the Agency's *Procedure Addressing Explosive Gas Control at Municipal Solid Waste Landfills*, dated May 27, 1994 (Explosive Gas Control Procedure). If methane levels exceed 25% of the lower explosive limit (LEL) in Facility structures or other buildings on site or if the LEL is exceeded on the Facility site or at the property boundary, the Permittee shall take immediate action in accordance with the requirements of the Explosive Gas Control Procedure.

44. Prior to the commencement of disposal of solid waste in the lined landfill, the Permittee shall establish background groundwater quality in accordance with the Agency's *Procedure Addressing Ground Water Quality Monitoring and Responses When a Ground Water Standard is Reached or Exceeded at Municipal Solid Waste Landfills*, dated February 8, 1999 (Ground Water Procedure). Background water quality shall be established for monitoring wells NVMW1, NVMW2, NVMW3, NVMW4, NVMW5, NVMW6, NVMW7, NVMW8, and NVMW9 as shown on plan sheet 2, *Site Plan with Monitor Wells*.
45. Once operational, during the months of May and October of each certification year, the Permittee shall retain a qualified professional to perform groundwater quality monitoring. Sampling locations shall include groundwater monitoring wells described in Section X of the Environmental Monitoring Plan in the FMP. All groundwater samples shall be collected and analyzed in accordance with § III(C) of the Agency's Groundwater Procedure. In addition, the Permittee shall analyze all monitoring well samples for dissolved iron and manganese. Antimony, barium, beryllium, cobalt, selenium, silver, thallium, or vanadium may be deleted from the groundwater monitoring program if the Permittee makes the demonstration contained in Appendix C of the Groundwater Procedure and has received written approval from the Secretary.
46. Once operational, during the months of May and October of each certification year, the Permittee shall retain a qualified professional to perform surface water monitoring. Sampling locations shall include the surface water and monitoring locations described Section X of the Environmental Monitoring Plan in the FMP. The following laboratory analyses shall be performed on all surface water and outlet water samples:
  - Chemical Oxygen Demand;
  - Biological Oxygen Demand;
  - Total Sodium, Total Chloride,
  - The following total metals: Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Manganese, Mercury, Nickel, and Zinc;
  - Volatile Organic Compounds utilizing EPA Method 8260; and,
  - Semi-Volatile Organic Compounds utilizing EPA Method 8270.

Field tests for temperature, pH, and specific conductance shall be performed on samples from each sample location.

47. Once operational, during the months of May and October of each certification year, the

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Permittee shall retain a qualified professional to perform leachate monitoring. Monitoring shall be performed by collecting a grab sample consisting of leachate collected from the primary leachate collection system. In addition, if the average daily secondary detection system flow exceeds 20 gallons per acre per day in any of the secondary detection systems, a grab sample of liquid shall be collected from that secondary detection system. The following laboratory analyses shall be performed on all primary and secondary samples:

- Chemical Oxygen Demand;
- Biological Oxygen Demand;
- Total Sodium, Total Chloride,
- The following total metals: Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Manganese, Mercury, Nickel, and Zinc;
- Volatile Organic Compounds utilizing EPA Method 8260; and,
- Semi-Volatile Organic Compounds utilizing EPA Method 8270.

Field tests for temperature, pH, and specific conductance shall be performed on samples from each sample location.

48. Once operational, the Permittee shall record leachate flow from the primary and secondary leachate collection systems during each working day. In addition, the Permittee shall record the quantity of leachate removed from the leachate storage tank. For each load of leachate shipped, the Permittee shall record the quantity, the date shipped, and the identity of the wastewater treatment facility receiving the shipment.
49. Once operational, the Permittee shall record the leachate depth on the primary liner each working day.

### **REPORTING REQUIREMENTS**

50. Once operational, on or before June 30 each Certification year, the Permittee shall submit to the Program a copy of the engineer's written evaluation, any recommendations for improving the management of the landfill and a schedule for implementation of the recommendations pursuant to Condition 17.
51. Once operational, in accordance with Section 6-703 of the Rules, the operator shall submit a report to the Solid Waste Program within five working days of the receipt of any information indicating non-compliance with any term or condition of certification. Any discharge or emission which poses a threat to public health and safety, a threat to the environment or the creation of a nuisance must be reported within 24 hours to the DEC, the local health officer, and the selectpersons of the affected municipalities. A written report shall be submitted to the same parties within seven days of the discharge or emission. The report shall identify the discharge or emission that occurred, the type, quantity, and quality of waste, and the actions taken to correct the problem.
52. Once operational, on or before March 1 each Certification year, the Permittee shall

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submit the adjusted closure and post-closure cost estimates for inflation pursuant to Condition 15.

53. Once operational, on or before the 15<sup>th</sup> day of each month, the Permittee shall submit the following data to the Program as required by Condition 50 and 51:
  - a. records of daily leachate flows,
  - b. records of the quantity of leachate pumped, and
  - c. records of the quantity of leachate shipped and the name of the facility receiving the leachate for the previous month.
54. Once operational, on or before January 31, April 30, July 31, and October 31, of each Certification year, the Permittee shall file quarterly reports to the Program utilizing Retrac.
55. Within 75 days after the dates of sampling required by Conditions 46 through 48 of this Certification, the Permittee shall:
  - a. For all groundwater samples, submit to the Program current and historic groundwater quality results, statistical evaluation, and a narrative assessment in accordance with § III(E) of the Ground Water Procedure. If the report and statistical evaluation concludes in a preliminary finding that parameters in ground water exceed any standard at a point of standards application, the Secretary may initiate a response in accordance with § III(F) of the Ground Water Procedure;
  - b. For all leachate samples, submit to the Program current and historic leachate quality results, tabulated by sampling location through time. Include in the tabulated data the Maximum Concentration of Contaminants for the Characteristic of Toxicity in the Vermont Hazardous Waste Management Regulations; and,
  - c. For all surface water samples, submit to the Program current and historic surface water quality results and compare the results with the Vermont Water Quality Standards.
56. The Permittee shall submit the monthly and weekly results of explosive gas monitoring required by Condition 46 with the water quality and leachate results unless the explosive gas action level is triggered.

**RELEASES, CORRECTIVE ACTION, AND CONTINUING OBLIGATIONS  
PURSUANT TO 10 V.S.A. § 1390(5)**

57. The Permittee shall take all reasonable steps to ensure that the activities taking place at the Facility do not result in a discharge, emission, or release of a waste material into the environment.
58. In accordance with §6-703 of the Rules, the operator shall submit a report to the Agency within five working days of the receipt of any information indicating non-compliance

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with any term or condition of Certification. Any discharge, emission, or release which poses a threat to public health and safety, a threat to the environment or the creation of a nuisance must be reported within 24 hours to the Agency, and the local health officer. A written report shall be submitted to the same parties within seven days of the discharge, emission, or release. The report shall identify the discharge, emission, or release that occurred, the type, quantity, and quality of waste, and the actions taken to correct the problem.

59. In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.
60. In the event the Secretary determines that a review of water quality data or a discharge, emission, or release from the facility, indicates an undue adverse impact on ground water, surface water, or drinking water quality from the Facility, the Secretary shall review the information and make a determination as to whether corrective action is required. If the Secretary determines that the information is inadequate, the Secretary shall require the Permittee to:
  - a. increase the frequency of water quality sampling and analyses, or increase the number of parameters tested for;
  - b. establish additional sampling locations and/or install additional monitoring wells;  
or
  - c. conduct all studies necessary to determine the source and extent of contamination.
61. In the event that the Secretary determines that corrective action is necessary to prevent or remedy damage to the public health and safety or to the environment, or to correct a violation of environmental standards, the Secretary shall require corrective action and a demonstration of financial responsibility for corrective action, in accordance with the Agency procedure entitled *Procedure Addressing Corrective Action and Financial Responsibility for Corrective Action at Solid Waste Landfills*, adopted February 8, 1999.
62. In the event that any of the monitoring wells established as part of the approved water quality monitoring program are destroyed or rendered unusable, the Permittee shall replace said monitoring well in accordance with the Agency's guidelines for monitoring well installation prior to the next scheduled sampling date.

#### **CLOSURE AND POST-CLOSURE REQUIREMENTS**

64. The Permittee shall submit to the Program a notice of closure thirty days after the date the final volume of waste is received. Closure of any portion shall occur as described in the Section XI of the FMP.
65. No later than ninety (90) days of completion of Facility closure, the Permittee shall submit certification of closure to the Department, pursuant to Section 6-1002(i) of the

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Rules. This certification shall include a complete set of "record" engineering plans, and documentation of results of all material and quality assurance/quality control testing performed with respect to closure of the Facility, and documentation of any new or abandoned ground water monitoring wells and surface water sampling locations.

66. Post closure maintenance and monitoring of the Facility shall occur in accordance with Section XII of the FMP.
67. The Permittee shall retain a registered engineer to perform an annual evaluation of the Facility during the month of May each Certification year. The engineer shall inspect and evaluate the integrity of the final cover system, gas collection system, and the leachate collection system for conformance with the Post Closure Plan and the requirements of the Rules, this certification and applicable Solid Waste Management Procedures. The Permittee shall notify the Program concerning any non-compliance with this certification or any emission or discharge noted by the engineer and shall take corrective action in accordance with §6-703 of the Rules. The engineer shall develop any recommendations necessary for improving post closure care of the landfill. By **June 30**, each Certification year, the Permittee shall submit to the Program a copy of the engineer's evaluation, any recommendations for improving the post closure care of the landfill and a schedule for implementation of the recommendations. In consultation with the Program, the Permittee shall implement the recommendations approved by the Program.

### GENERAL CONDITIONS

68. In the event that the Secretary determines that corrective action is necessary to prevent or remedy damage to the public health and safety or to the environment, the Secretary reserves the right to require corrective action and a demonstration of financial responsibility for corrective action, in accordance with the Agency's *Procedure Addressing Corrective Action and Financial Responsibility for Corrective Action at Solid Waste Landfills*, dated February 8, 1999.
69. Permittee shall at all times properly operate and maintain all facilities which are installed or used by Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
70. This permit may be modified, suspended, or revoked for cause. The filing of a request by Permittee for a permit modification, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
71. The Permittee shall furnish to the Secretary, within a reasonable time, any relevant information which the Secretary may request to determine whether cause exists for modifying, suspending or revoking this permit, or to determine compliance with this

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permit. Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

72. The Permittee shall allow the Secretary, or an authorized representative, upon the presentation of credentials to:
  - a. Enter at reasonable times the Facility or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under this permit; and
  - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance any substances or parameters at any location.
73. This Certification does not convey any property rights of any sort or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights.
74. This Certification is not alienable, transferable, or assignable.
75. This Certification supersedes any certifications issued previously under 10 V.S.A. §6605 to the Permittee for the Facility.
76. The provisions of this certification are severable, and if any provision of this certification, or the application of any provision of this certification to any circumstance is held invalid, such a determination shall not have any effect on the validity of the remainder of the certification, or on the application of the provision to other circumstances.
77. The Permittee shall maintain compliance with the solid waste management rules and 10 V.S.A. Chapter 159 as amended. The Permittee shall modify the certification if a change in the law results in conflict between the permit and newly adopted legal requirement.

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### Appeals

Any person aggrieved by this certification or permit may appeal to the Superior Court – Environmental Division within 30 days of the issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules Environmental Court Proceedings. If this certification or permit relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. §248, any appeal must be filed within 30 days of the issuance with the Vermont Public Service Board in accordance with Board rules.

The Secretary's issuance of this Certification for the operation of this facility relies upon the data, judgment and other information supplied by the Permittee(s), the hired professional consultants and other experts who have participated in the preparation of the Application.

The Secretary makes no assurances that the facility certified herein will meet the performance objectives of the Permittee(s) and no warranties or guarantees are given or implied.

The Program staff has reviewed the Application, and has found that it conforms to current technical standards. It is recommended that the foregoing findings be made and this Certification be issued for the operation of the facility described herein.

I do affirmatively make the findings as recommended by the staff of the Program and approve the issuance of this Certification.

Dated this eighth day of February, 2017, at Montpelier, Vermont.

AGENCY OF NATURAL RESOURCES

Joanna Pallito, Acting Commissioner  
Department of Environmental Conservation



By:

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Chuck Schwer, Division Director  
Waste Management & Prevention Division  
Department of Environmental Conservation